IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 31st day of Dec. 2003.

Crl. Bail Application Number 704 of 2003.

Order on the Bail Application of the accused/applicant.

CRIMINAL SIDE

Mustafa alias Biddi S/o Mangta,
R/o Bhawari Dera, Police Station Jwalapur,
District-Haridwar. ……..…..Applicant.

Versus

State of Uttaranchal ……...……...……..Opp. party

Arising out of Case Crime No. 24 of 2003,
Under Section 147, 148, 149, 324, 325, 307 & 302 of the I.P.C.
Police Station-Jwalapr,
District-Hardwar.

By the Court

Hon'ble P.C. Verma, A.C.J.

Heard Sri S.K. Verma, learned counsel for the applicant as well as Sri Rajendra Singh, learned counsel for the complainant and learned Government Advocate.

This is first bail application of the applicant. The applicant is facing prosecution for an offence alleged to have been committed by him under Section 302 I.P.C. From the perusal of F.I.R. it is clear that the applicant's role have been assigned to have attacked by BHAALA. From the perusal of medical report only incised and lacerated wounds have been found. No punctured wound is reported in the medical report. Therefore, the injury causing the death of the deceased cannot be said to have been caused by BHAALA.

Having regard to the facts and circumstances of the case, the applicant Mustafa alias Biddi S/o Mangta is released on bail on his furnishing a personal bond and two sureties to the satisfaction of Magistrate concerned.

(**P.C. Verma, A. C. J.**)

31.12.2003
P.Singh